

DRAFT FOR DISCUSSION

Policy Guidance for Online Learning

Digital and Internet-connected technologies have increased access to a rich variety of educational opportunities, in the form of online content and instruction, for schools and students across New York State. These educational opportunities have resulted in a number of questions from school districts and educational organizations, and a need for the New York State Education Department (NYSED) to provide guidance regarding how school districts may make online instruction and content available to students for initial course credit.

This document is intended to provide guidance to school districts and BOCES interested in offering opportunities for students to complete units of study and earn initial units of credit through online instruction. NYSED recognizes that concepts such as *virtual learning*, *distance learning*, *online instruction*, *online courses*, and *online learning* may have multiple meanings, which may evolve and change with the development of new technologies. This document serves as an initial foundation and is not intended to be an exhaustive analysis, nor is it intended to cover every possible situation and/or educational program in which online instruction may be contemplated. It is our anticipation that as additional questions, circumstances, and changes in statute or regulation come forward, we will amend this guidance accordingly.

Terminology

In an effort to minimize confusion, the following definitions to common terms are offered.

Online instruction generally describes substantive interactions among students and teachers that occur through online or digital media. Within any specific unit of study, this instruction may range from fully online, to a combination of online and face-to-face or classroom-based interactions.

Online content is instructional content (information relevant to study in a specified standard area) delivered through digital and Internet-connected media. This would be the equivalent of subject matter knowledge and information that might be conveyed or obtained from traditional print-based sources such as textbooks and handouts, or through classroom-presented audio and visual methods. Examples include:

- Digital media – video clips which re-teach or reinforce a particular concept.
- Web-based interactive activities to reinforce skills and concepts.

When instruction within a specific unit of study (or course) includes teacher-to-student, student-to-student, and student-to-content interactions that occur solely through online or digital media, the course would be considered an **online course**. Examples include:

- A school district uses its own local technology infrastructure and instructional personnel to create and house the online course, and district teachers to deliver the instruction to enrolled students.
- A school district or BOCES teacher offers a course to students in different locations through distance learning technology.

When instruction within a specific unit of study (or course) includes teacher-to-student, student-to-student, and student-to-content interactions through any combination of classroom-based and online media, the course would be considered a **blended course**. For example:

- Administrators in a local district, in consultation with their district curriculum review committee, determine that it would take 108 hours of instruction per year for students to earn a unit of credit for a particular course. In addition, the district determines that providing students enrolled in the course the opportunity to receive 90 minutes of instruction per week through face-to-face/classroom time and 90 minutes per week of teacher-to-student, student-to-student, and student-to-content interactions through digital or Internet-connected technology (online) would best meet the needs of its students. This course opportunity would be considered a blended course.

Policy for Awarding Initial Course Credit for Online and Blended Courses

Under existing Regulations of the Commissioner of Education (“Commissioner’s regulations”), New York State school districts and schools (“districts,” hereafter) may offer online and blended courses for initial course credit toward graduation. Districts that offer online or blended courses for initial course credit must comply with all requirements applicable to the delivery of instruction in a classroom-based course, including, but not limited to, the following:

- The district must ensure that courses are aligned with the applicable New York State Learning Standards for the subject area;
- The courses must provide for documentation of satisfactory student achievement; and
- The district must ensure that the student receives equivalent, intensive instruction in the subject area, under the direction and/or supervision of: (1) a school district teacher who holds a New York State teaching certificate in the subject area (“certified teacher,” hereafter); or (2) a certified teacher from a BOCES that contracts with the school district to provide instruction in the subject area pursuant to Education Law §1950; or (3) a certified teacher of the subject area in a registered nonpublic school or charter school.

In addition, as described in NYSED's June 2, 2010 guidance on contracts for instruction, school districts may contract with non-profit or other entities to provide distance or online learning opportunities to students, provided that such programs are used as supplementary or additional resources to assist a district's certified teachers in delivering instruction.

(See: <http://www.emsc.nysed.gov/resources/contractsforinstruction/home.html>).

Within these basic parameters, a variety of specific cases or questions around delivering online or blended courses may emerge. What follows are a list of initial questions and answers relating to online teaching and learning. These questions and answers are *not exhaustive* and will continue to evolve as new technologies emerge and as the Board of Regents continues to examine these issues.

Q & A: Offering Online and Blended Courses for Initial Course Credit

Question 1. Can school districts and schools offer online courses for initial course credit?

A. Yes, provided the online courses offered meet all applicable laws and regulations that would normally apply to classroom-based courses. These include, but are not limited to, the following:

- The district must ensure that courses are aligned with the applicable New York State Learning Standards for the subject area;
- The courses must provide for documentation of satisfactory student achievement; and
- The district must ensure that the student receives equivalent, intensive instruction in the subject area, under the direction and/or supervision of: (1) a school district teacher who holds a New York State teaching certificate in the subject area (certified teacher, hereafter); or (2) a certified teacher from a BOCES that contracts with the school district to provide instruction in the subject area pursuant to Education Law §1950; or (3) a certified teacher of the subject area in a registered nonpublic school or charter school.

Question 2. Do districts need a variance or waiver in order to offer fully online or blended courses for initial course credit?

A. In cases where the basic provisions listed in Question 1 are met, no special variance or waiver is required. While Commissioner's regulations for completing a unit of study (8 NYCRR § 100.1 [a]) and earning a unit of credit

(8 NYCRR § 100.1 [b]) refer to the amount of instruction to which students are entitled, the regulations do not limit or confine instruction solely to classroom-based instruction. As a result, instruction may be delivered in multiple ways and through multiple media that best meet the needs of the students, so long as all applicable requirements are met (see Question 1).

For questions regarding specific projects, please contact the NYSED Office of Educational Design and Technology for assistance by telephone at (518) 474-5283, or by e-mail at edtech@mail.nysed.gov.

Question 3. Can districts allow students enrolled in an online or blended course to progress through course content and learning tasks at differentiated paces?

A. Yes, so long as the students demonstrate *mastery* of the relevant New York State Learning Standards and district learning outcomes. Determinations of student mastery should be based on documented evidence of student achievement. Districts should note that, pursuant to existing Commissioner's regulations, a unit of study means at least 180 minutes of instruction per week throughout the school year or the equivalent (8 NYCRR § 100.1 [a]).

Question 4. How should districts determine whether online or blended courses include "equivalent, intensive instruction in the subject areas"?

A. There are no NYSED developed criteria for determining whether online content, online or blended courses represent "equivalent, intensive instruction in the subject area." Such determinations are relative to the nature of the existing curricula and instruction within each local district. NYSED acknowledges that these determinations are the responsibility of district officials, who have contextual understanding of the unique local circumstances and individual student needs. The Department has developed the attached "Recommendations for Teaching and Learning Online" to assist school district officials in making such determinations.

Question 5. Is there currently an "online teaching" certification extension for teachers wishing to teach online courses?

A. No. NYSED views digital and Internet-connected technologies as the media through which instruction exists, not the subject matter or instruction itself. Teachers of online or blended courses must be: (1) a school district teacher who is certified in the subject matter area; or (2) a teacher from a BOCES that contracts with the school district to provide instruction in the subject matter area pursuant to Education Law §1950, and who is certified in

such area; or (3) a teacher of the subject matter area in a registered nonpublic school or charter school. However, NYSED recommends that school districts provide initial and sustained professional development opportunities in the pedagogy of digital learning and online study so that teachers may more effectively use online tools to assist in the delivery of instruction.

Question 6. Can a district contract for services offered through online study?

A. School districts may contract with non-profit or other entities to provide digital content, distance or online learning opportunities to students, provided that such programs are used as supplemental or additional resources to assist a district's certified teachers in delivering instruction. (For more information, please see the NYSED guidance document, ["Contracts for Instruction"](#)).

Question 7. Can one district contract with another district or BOCES to provide online learning?

A. Yes, so long as such contracting is in agreement with existing CBAs. Further, the teacher certified in the subject area of instruction must be employed by the district or BOCES which is contracted to provide such instruction. As the Board of Regents continues to examine and consider virtual and online learning, NYSED may examine how to make available additional opportunities for online learning through new COSER agreements.

Should you have any further questions, please contact the NYSED Office of Educational Design and Technology at edtech@mail.nysed.gov. Your questions will form the basis of continued policy guidance to the field on online and blended courses for completing a unit of study and earning a unit of credit.

Recommendations for Teaching and Learning Online

- Form a district-level committee, including parents and community stakeholders, to examine online learning policies and practices in a comprehensive manner.
- Ensure that courses adhere to standard principles of universal design and accessibility for all learners, including (but not limited to) students with disabilities, English Language Learners, hospitalized students, incarcerated youth, home bound students, etc.
- Assess student needs and interests for online and blended course opportunities. Take into consideration the social, emotional, and academic needs, benefits, and consequences associated with the online experiences.
- Assess online program availability as compared to student needs.
- Create local district policy for online and blended courses, including criteria for determining online course equivalency.
- Provide initial and sustained professional development opportunities in the pedagogy of digital learning and online study so that teachers may more effectively use online tools for instruction.
- Develop a district process to evaluate online content available from vendors as it relates to New York State Learning Standards, and district curriculum goals and outcomes.
- Use common evaluation standards, such as those available from the International Association of K-12 Online Learning (iNACOL) and the International Society for Technology in Education (ISTE).

These standards are available at:

iNACOL: <http://www.inacol.org/>

ISTE: <http://www.iste.org/AM/Template.cfm?Section=NETS>

- Communicate with parents on measures and standards of online learning and its equivalence to classroom-based instruction.
- Evaluate district-created and vendor-purchased online content and online courses on an annual basis.